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**FAX COVER PAGE**

TO: U.S. Patent and Trademark Office FROM: Richard S. Myers, Jr.  
FAX NO.: 703-305-1086 PAGES: 9 (including cover page)  
DATE: November 22, 2000

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**PETITION TO MAKE APPLICATION SPECIAL**  
***IMMEDIATE DELIVERY TO GROUP DIRECTOR IS REQUESTED***

Please Confirm Receipt by Return Facsimile of This Cover Page to 615-242-2221

Customer No.: 23456  
Applicant: David Simpson, et al.  
Serial No.: 09/419,009  
Filed: October 13, 1999  
For: Multi-Layer Stretch Cling Film  
Examiner: Tarazano  
Group Art Unit: 1774  
Attorney Docket No.: N-4441 (RSM)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4

Customer No.: 23456  
Applicant: David Simpson, et al.  
Serial No.: 09/419,009  
Filed: October 13, 1999  
For: Multi-Layer Stretch Cling Film  
Examiner: Tarazano  
Group Art Unit: 1774  
Attorney Docket No.: N-4441 (RSM)

**PETITION TO MAKE SPECIAL UNDER RULE 37 C.F.R. §1.102(d)**

Assistant Commissioner for Patents  
Washington, DC 20231

November 22, 2000

Dear Sir:

Pursuant to 37 C.F.R. §1.102(d), Applicant hereby petitions the Commissioner to make the above-identified application special so that it may be taken out of turn for immediate action by Examiner Tarazano.

Enclosed are:

(1) A Declaration of an inventor, Terry Jones, setting forth the fact that he believes the invention sought to be patented in this application is being infringed and a date when said infringement was discovered;

(2) A Declaration of the undersigned attorney in compliance with MPEP §708.02 II; and

Serial Number 09/419,009

(3) Authorization to charge Deposit Account 23-0035 the petition fee required under 37 C.F.R. §1.17(i).

This application was filed on October 13, 1999. A Request for Status was filed on June 12, 2000. To date, no further action has been received from the Patent and Trademark Office.

During a recent telephone conversation, Examiner Tarazano indicated that if taken in turn, the Examiner estimated that a first Office Action on the merits would be received at the earliest, approximately 3 months.

Due to the fact that Applicant's claims are being infringed (See appended Declarations of Applicant and Applicant's attorney) and Applicant requires a patent in order to terminate such infringement, this Petition to Make Special is being filed. Applicant respectfully requests that this Petition be granted.

The Commissioner is authorized to charge the required petition fee as set forth in 37 C.F.R. §1.117(i), which is \$130.00, to Deposit Account 23-0035. The Commissioner is further authorized to charge any additional fees or credit any overpayment coincident to this Petition to Make Special to Deposit Account 23-0035.

Serial Number 09/419,009

If there are any questions regarding this Petition or the application in general,  
please contact the undersigned at the telephone number listed below.

Respectfully submitted,



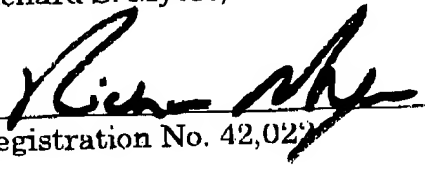
Richard S. Myers, Jr., Reg. No. 42,022  
WADDEY & PATTERSON  
A Professional Corporation  
414 Union Street, Suite 2020  
NationsBank Plaza  
Nashville, TN 37219  
(615) 242-2400  
Attorneys for Applicant

Serial Number 09/419,009

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Petition to Make Special, Declaration under 37 C.F.R. §1.102(d), and Declaration of Richard S. Myers, Jr. are being transmitted via facsimile to (703) 305-1006 on November 22, 2000.

Richard S. Myers, Jr.

  
Registration No. 42,02211/22/00  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Customer No.: 23486  
Applicant: David Simpson, et al.  
Serial No.: 09/419,009  
Filed: October 18, 1999  
For: Multi-Layer Stretch Cling Film  
Examiner: Tarazano  
Group Art Unit: 1774  
Attorney Docket No.: N-4441 (RSM)

**DECLARATION UNDER RULE 37 C.F.R. §1.102(d)**

I, Terry Jones, declare as follows:

(1) I am an Applicant in the above-identified application, which relates to a multi-layer stretch cling film having at least seven (7) individual layers in the film composition.

(2) On or about June 7, 2000, it came to my attention that Pinnacle Film, Inc., of Matthews, N.C., was distributing seven (7) layer stretch wrap film which I believe might be infringement of the claims of this application.

(3) There are at least two other corporations that we have reason to believe are infringing the claims of this application based on our knowledge of their products and their manufacturing process.

(4) On or about November 21, 2000, my associate, Marty Leonard, forwarded my attorney, Richard S. Myers, Jr., a copy of a summary of an independent analysis of a Pinnacle Film sample product. The independent analysis indicated that the film in

Serial Number 09/419,009

question consisted of seven (7) layers. Additionally, we have carefully considered the other features of the claims including cling performance and the composition of the layers. After careful consideration of all of the above, it was the opinion of my attorney that the product distributed by Pinnacle Films infringed the claims of this application.

I declare that all statements made herein are true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such false statements may jeopardize the validity of this document and of the patent application to which it relates.

  
Terry Jones, ApplicantDate: 11-22-00

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.: 23456  
Applicant: David Simpson, et al.  
Serial No.: 09/419,009  
Filed: October 13, 1999  
For: Multi-Layer Stretch Cling Film  
Examiner: Tarazano  
Group Art Unit: 1774  
Attorney Docket No.: N-4441 (RSM)

**DECLARATION OF RICHARD S. MYERS, JR.**

I, Richard S. Myers, Jr., declare as follows:

(1) I am an attorney of record in the above-identified application and have read the accompanying declaration of Applicant, Terry Jones.

(2) I have compared the claims in the above-identified application with the independent analysis summary provided to me by Marty Leonard, associate of Applicant Terry Jones, and taken in view of several discussions with Applicant's associates regarding the remaining features of the claims and the seven (7) layer film distributed by Pinnacle Films, it is my opinion that at least claim 1 of this application would be infringed by the manufacture, use or sale of the specimen tested and studied.

(3) During the prosecution of the above-identified application, Applicant has provided an Information Disclosure Statement citing thirteen (13) prior art references. I have reviewed each of the cited references and have concluded that the claims would not have been obvious over any of said references taken singly or

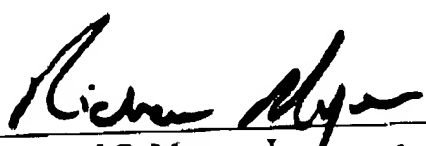


Serial Number 09/419,009

in any valid combination. Additionally, several U.S. Patents were studied in preparation of this application (and are brought to the attention of the Office in view of their citation in the specification) and therefore, I believe that I have good knowledge of the prior art. I am not aware of any other pertinent prior art.

(4) As a result of reviewing this application and the prior art available to me, I believe that all the claims of this application are allowable.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1011 and that such false statements may jeopardize the validity of this document and the application to which it relates.

  
Richard S. Myers, Jr.  
Attorney for Applicant 42,022

Date: 11/22/00

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## FAX COVER PAGE

TO: EXAMINER TALAZANO

FAX NO.: 708-305-5436  
~~703-308-2379~~

DATE:

SUBJECT:

FROM: Richard Myers

PAGES: 10 (including cover page)

TIME:

MESSAGE:

ORIGINAL PETITION ATTACHED

THANKS FOR YOUR HELP,

Richard

A CONFIRMING COPY OF THIS TRANSMISSION IS NOT BEING SENT BY MAIL.

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